

February 27, 2006

TO: Board Members
and Prosecution Staff

FROM: Michael Shane and Annie Stoneman
1572 10th St.
Los Osos, CA 93402

Re: Cease and Desist Order
My home at 1572 10th Street, Los Osos

Dear Board Members,

In response to the request and invitation for comments and input, I am hereby submitting the following information for your reference and review.

First off, I'd like to say that I want the same thing that you do— a clean and safe sewage system for Los Osos. As a Los Osos citizen, I voted against the CSD recall because I wanted the facility to be put in as planned. Lately, I've become active in the dissolution of the CSD, writing an editorial in the Feb. 14th edition of the tribune and polling my neighbors and the general homeowners door to door.

I assume that this was your intent—to get this community fired up, to clean our water, and finally install a viable sewer system. However, I feel that the proposed application and enforcement of the Cease and Desist Order puts the burden and cost of governmental failures or inadequacies on the backs of individuals. We want nothing more than to live and work in a healthy community, be treated fairly as citizens of a community, and bear our proportionate share of costs and inconvenience for the general good.

Los Osos' local government (CSD) was unable to provide our town with what it needs and has pitted larger government forces against our family, in particular. The home, which we purchased two years ago to raise our family in, was chosen randomly to bear this burden and imposition. This random application of a Cease and Desist Order will force me to make changes that, supposedly, will benefit the community at my personal expense, without compensation. This is a disparity of treatment since I would have to pay to pump my septic six times a year while my neighbors who have the same system, needs, uses, etc. do not have this cost and imposition. It does not seem like a fair treatment.

I understand the intent is to add everyone to the list “when the process is streamlined”. Yet, it has taken the board 18 years to get to this point, how long will it take to include the whole community and how much will my house be de-valued by then?

Pumping six times a year isn't necessary in our case. The closest groundwater monitoring well to our property (listed as 18B1 at www.losososcscsd.org/pdf/PP_Nitrate.pdf) is located one block east of our house and reports a value for nitrate of 2.4 milligrams per liter (mg/l). This value is significantly lower than the USEPA maximum contamination level (MCL) of 10 mg/l and lower than two of the monitoring wells (20B and 17N4) located *outside* of the prohibition zone.

As far as site-specific evidence goes, my property is on a double lot located on a hill. My wife, 20 month-old daughter, and I live on Tenth St. near the cross-street of Pismo. There are few houses on Tenth St. at a higher elevation than ours (225 feet above the water of the bay). According to the engineering maps of this area, our home is located at more than 40 feet above the groundwater levels. An engineer at a firm in San Luis Obispo who has worked on this project, assured me that this distance between water and septic is well within accepted ranges and pointed out that the soil in this part of town is optimal for a septic system. Ours is in good shape and has been well maintained. When I called Als' Septic Service last year to have ours pumped, the secretary looked up our homes service record and refused to schedule anything until summertime 2006. She said it simply wasn't necessary.

The California Regional Water Quality Control Board created this prohibition zone (where my home is located) in 1988, when I was 15 years old. I've owned this house for two years. Isn't it ironic that I will be responsible for something government and this community have had 18 years to fix? Why is it that collectively, the CSD, the State, and the County have produced nothing in that time frame? Who's to blame? Aren't these agencies working together?

When I spoke on the phone this morning with Gail Wilcox at the County Administration Office, I asked her if the County works closely with other agencies such as the CRWQCB. She replied that she was meeting with Roger Briggs for the *first* time today—"they had never met". I am glad they are finally going to meet and I sincerely hope something good comes of all this. But I am concerned that to rush this interim application through--when the burden is not fairly shared, the targeted homes chosen simply at random, with no real long term fix in place yet-- is not fair and constitutes an unfair and disparate treatment of my family as property owners. I feel we are being penalized individually for a community problem and dysfunctional government.

I want the board to know that I want clean water and am willing to pay for the sewer. It will protect our investment in this house and also my young daughter's health. I am doing my part on a grassroots level to educate my neighbors and friends of what my family is going through and how I think we'll finally get a sewer. I am convinced that there is a far more just and equitable way for you to distribute CDO's that reflects the real needs of the bay and the groundwater. Forcing me to pump my septic tank six times a year is too much based on the evidence I have given and will not yield the results you are looking for. It would only be a punitive action directed at a sewer facility supporter.

It is my hope that in reflecting on the result that we are all seeking, and taking directive that will take us there would be more productive then running us as a test case, at our own expense. Please take our concerns into consideration, and thank you for the opportunity to be heard.

Sincerely,

Shane Stoneman